

**Minutes**  
**Agricultural & Natural Resources Advisory Committee**

**Thursday, May 12, 2011, at 9:00 am**

**Charlotte County Administrative Center  
18500 Murdock Circle, Room #B-207  
Port Charlotte, FL 33948-1094**

**MEMBERS PRESENT**

Mike Jones, Chairman  
Andy Dodd, Vice Chairman  
Chris Hencher  
Fred Walters, Secretary  
Wes Brumback  
Matthew Sullivan, Jr.

**MEMBERS EXCUSED**

Arnie Sarlo

**MEMBERS ABSENT**

Orrin Webb  
Dan Ryals

**GUEST**

Ron Hamel, Gulf Citrus Growers

**STAFF**

Matt Trepal, Staff Liaison  
Gayle Moore, Recording Secretary

**CALL TO ORDER/ROLL CALL/DETERMINATION OF QUORUM**

The **May 12, 2011**, meeting of the ***Agricultural and Natural Resources Advisory Committee*** was called to order at 9:01 a.m. by ***Chairman Jones*** who noted that there was a quorum present.

**ADDITIONS/DELETIONS TO AGENDA**

***Chairman Jones*** noted that there was one item he wished to add to the agenda, which was to officially recognize Arnie Sarlo's vacating the Commodities seat he had held on the Committee and which will now need to be advertised and filled.

**APPROVAL OF MINUTES**

***Chairman Jones*** noted that, due to the lack of a quorum previously, there were two sets of meeting minutes to be approved today: The minutes of January 20, 2011 were recommended for adoption by motion of ***Mr. Dodd***, second by ***Mr. Hencher***, carried unanimously; as for the minutes of March 17<sup>th</sup>, ***Mr. Hamel*** pointed out a correction needed, on page two in his comments, changing from "weather" to "water". ***Mr. Dodd*** moved the minutes be adopted as corrected, second by ***Mr. Hencher***, unanimously approved.

**COMMISSIONER COMMENTS**

The Commissioner was not present.

**NEW BUSINESS**

Status of Growth Management Legislation:

**Chairman Jones** commented on the great deal of activity in the legislature and the total revamp under way. **Mr. Trepal** discussed a summary email he got from APA Florida; noting he had not read the entire 300+ page legislation, he reviewed the APA summary material instead. The changes to Growth Management include repeal of Ch. 9J5 and portions of Ch. 9J11 of the Florida Administrative Code, which are the rules which govern planning and what goes into a Comprehensive Plan. Much of 9J5 is apparently moving into statute out of the Administrative Code; however, the Code is what the departments enforce, so it takes the growth-related rule-making and rule enforcement away from the State planning agency. The Department of Community Affairs will still exist for the other things that they do besides land use planning, but their authority has been diminished.

Other specific issues: the requirement for financial feasibility in Comprehensive Plans and in Capital Improvement Elements has been eliminated. State mandated concurrency for transportation, schools and parks has been eliminated, along with the requirement for a Public Schools Facilities Element in the Comprehensive Plan; the twice-yearly "window" for large scale amendments deleted, so such amendment requests can be submitted at any time now. New review processes have been created: expedited, state-coordinated and small scale. State agency comments will now be limited to important state resources and facilities that may be adversely impacted by the Plan. An amendment becomes effective 31 days after agency notes that the adopted amendment is complete; this may mean that the ORC back and forth may be eliminated, because the presumption will be that correct plan amendments are being submitted.

State-coordinated review process refers to very large plan amendments (sector plan or rural land stewardship) or the update of plans based on an EAR; small scale amendments are essentially everything else, receiving minimal review (if it stays the same as now). The Evaluation and Appraisal Report (EAR) process will continue to exist, apparently, with local governments being encouraged to evaluate and update their comprehensive plans (contrasted with the current situation where the law essentially forces you to make changes.) In future, you may decide no changes are needed. This will not affect Charlotte County's EAR in progress now. For Developments of Regional Impact (DRIs), thresholds for what constitutes a Substantial Deviation have changed. All permits which had received an extension under SB360 but not under SB1752 are eligible for a two-year permit extension.

The Century Commission will be abolished as of June 2013.

**Chairman Jones** offered comments in response, interpreting no significant impact to our current processes here in Charlotte County, but wondering if the change in handling of amendments would put state staff under pressure at some point by inviting a flood of amendments.

[Commissioner Duffy joined the meeting.]

**Mr. Trepal** responded that with the authority passing from state to local agencies, this may be good but may also present some challenges; it will depend on how the local government addresses the change. There will be an opportunity to do more innovative things but on the other hand, if the local government wants to relax standards, that will also be easy. For local governments that relied on state to be the "bad guy", that option has evaporated.

**Chairman Jones** offered further comments encouraging members to follow these issues and to return with any questions they may have for Mr. Trepal. Referring to the two-year extension on permits offered under SB360, **Chairman Jones** also offered comments on new language connected with the conversion of lands from AG to some other type of use, changes provide for "grandfathering forward" and how this would affect wetland impacts so that it would not affect the

new use of the land; but he also noted this only affect state issues, not federal, so it's not a complete exemption. He cautioned that many changes are only effective at the state level and one needs to be aware of that when reviewing the legislation.

**Chairman Jones** moved the agenda back to Commissioner Comments to accommodate Commissioner Duffy, who had joined the meeting. **Commissioner Duffy** noted that she was looking forward to being involved with the committee from here out and also looking forward to eliminating bureaucracy and reducing permitting requirements, as responsibilities are shifted back to the counties. She also offered comments on how things have been working at the state level and how Charlotte projects get scrutiny at the regional level that projects from other counties don't. Noting the County's intention to protect the environment, **Commissioner Duffy** observed that the lengthy regulatory process often impacted business negatively, and she hoped to find the "happy medium" where both interests are served. She invited the members to contact her with any questions, challenges or ideas.

[Mr. Danny Quick, interim Department Director for Building and Growth Management, joined the meeting.]

**Chairman Jones** seconded the Commissioner's remarks, noting many of the issues hit at the heart of commodity concerns.

*Status of leadership, Building and Growth Management Dept.*

**Chairman Jones** introduced this topic and asked for comments from Mr. Quick, who on his position in the County and appointment as interim Director; he noted that the applications period for the Director's position closes on May 13<sup>th</sup> and the review and interviews will begin shortly thereafter. **Mr. Dodd** asked if the public would be involved in the selection process; **Mr. Quick** responded that he wasn't sure, but noted that public comment has been taken in the past for other selections.

*Community Gardening endorsement*

**Chairman Jones** said the subject was still open from last meeting and the group is looking to support the concept of community gardening, though not any specific plan. He noted that ANRAC itself was primarily concerned with large-scale commodity-level production and its issues, but that there are other programs such as IFAS or extension programs better suited to community-level action. ANRAC has considered staff's request to generate a letter in support of the community gardening concept as a worthwhile endeavor that the planning staff should work on, specifically in terms of land development code language that would open the door to some of these activities within Charlotte County (they are currently not allowed due to zoning restrictions.) He indicated he would entertain a motion for ANRAC to send a letter of recommendation to the Board of Commissioners, endorsing the community garden concept and encouraging staff to work on changes that would support that community gardening activity. **Mr. Dodd** so moved; **Mr. Sullivan** seconded, passed by unanimous vote of the membership. **The Chair** indicated that he and Mr. Walters would work together to draft the letter. **Commissioner Duffy** asked for a review of the community gardening matter; **Mr. Trepal** described the elements, which may include keeping backyard chickens in limited amounts and raising crops on otherwise vacant plots in the single-family residential zoning districts (he noted that raising crops was already allowed on property which someone owned and lived on, e.g. backyard gardening.) Language addressing these matters is being included in the larger LDR review. **Commissioner Duffy** noted that the letter should include some education for the commissioners on the matter.

DEP Formal Petition asking EPA to remand Numeric Nutrient Rule-making back to the State of Florida

**Chairman Jones** next described the DEP formal petition to the EPA to remand the numeric nutrient rule-making back to the state, a matter arising out of a suit against EPA for not enforcing the clean water rules in Florida. In response to the suit, EPA took over the state review and new standards were put in place. The question before the committee is to let the County Commission know the position of the Committee and their support DEP in this matter. He called for members' thoughts on the matter. **Commissioner Duffy** stated that the Commission as a body sent a letter to our legislators against the EPA move at the time; she stated the group would have the Commission's support on their position. **Chairman Jones** clarified what is being done this year and what is anticipated next year (coastal) which would be much more contentious. Further comments were offered about the cost of compliance for cleaning up e.g., retention ponds, etc.

**Mr. Hamel** commented on recent action in the legislature; leadership in Florida is fully supportive of the effort to bring this regulation back under the state's authority and there is a demand that economic impact be taken into account as well as the quality of the science behind the rules. He noted the legal battles over the Everglades went on forever and this will be a long process also. **Mr. Quick** spoke on subject, noting that staff member Joann Vernon was the numeric nutrient person on staff, and he advised members they can speak to her with any questions; **Chairman Jones** asked if she could come to one of the meetings to give an overview of the matter.

**The Chair** also related a professional experience that touched on this matter, specifically regarding communications with SWFWMD about standards now requiring more land to effectively treat to the new standards (150%).

**OLD BUSINESS**

East County Plan and Smart Charlotte 2050 Update

**Mr. Trepal** discussed recent activity regarding the challenge and the settlement agreement that resulted, noting that another short challenge period opens shortly and then Smart Charlotte 2050 will become effective.

EPA/DEP Numeric Standards and Statewide Stormwater Rule Update

**Chairman Jones** noted comments earlier in the meeting on the development of the rule. He feels this is pushing that statewide stormwater rule further and further back, until the overall matter is settled. For agriculture, even in areas where there are "works of the district" limitations (e.g., where higher standards get applied) DACS is trying to stay the course. He said there was legislation in place that if you have adopted the DACS BMP standards, there is a statutory assumption of compliance; however, he cautioned that this could change and encouraged members to "stay tuned" for further developments.

Cooperative Conservation Blueprint (CCB)

**Chairman Jones** noted that the Century Commission seemed to be in limbo, and they were the point for this matter. **Mr. Dodd** commented on a meeting he and Mr. Trepal went to regarding the CLIP map and other implementation strategies that had been adopted, e.g., the blueprint. Comments were offered on the Babcock connectivity study having made southwest Florida a good place for this effort; additionally, the Comp Plan maps on the critical wildlife corridor came out the

same as the Babcock study. Charlotte County is already considered to be doing everything they would recommend, essentially.

**Mr. Dodd** noted that there is an incentive for conservation in those areas, but since there's not likely to be development demand any time soon, this option probably wouldn't be much used. However, this is a good time for planning, due to the lack of actual activity; he mentioned that he is looking for ways to link Babcock to the Peace River, but it is money dependent.

**Chairman Jones** asked if IFAS had any presence there; **Mr. Dodd** responded that he couldn't think of any, but he felt it was the federal presence that was important here (e.g., NRCS). There is money available through those organizations sometimes, though probably not at present, and currently are targeting crop programs more than preservation programs. He said that he feels the Committee can advocate for conservation stewardship and wetland reserve programs, and he also mentioned soil conservation group activities that link into this. Further discussion ensued. **The Chair** expanded on his reference to IFAS and the issues there; he indicated he wants to track this and also have an IFAS rep come talk. Further comments were offered by **Mr. Dodd**, particularly with regard to money availability; he said he believes funding is 3-5 year in the future.

#### **CORRESPONDENCE AND COMMUNICATIONS**

❖ None.

#### **PUBLIC COMMENTS**

❖ None

#### **STAFF COMMENTS**

❖ *None further.*

#### **MEMBER COMMENTS**

**Mr. Brumback** asked to return to the prior meeting minutes, particularly Commissioner Starr's comments regarding the farm pond program; specifically two projects one of which involves Mr. Brumback. **The Chair** addressed those comments that gave rise to the confusion.

Further comments were made by **Mr. Brumback** on educating the commissioner as to the current situation and the jobs being created as a result, asking if Mr. Jones felt further discussion would be beneficial, since the commissioner had originally taken the position, shortly after his election, that he was against any excavation. **The Chair** said since there is nothing currently pending in terms of changing the rules, he wasn't sure if the effort was warranted.

[Mr. Quick left the meeting]

**Mr. Brumback** discussed a recent inspection visit to his excavation activity; other details were discussed including grandfathering issues and the fact that there is no market for the material now. **The Chair** suggested he go ahead and make the invitation; further discussion ensued.

#### **FUTURE MEETING TOPICS**

**Chairman Jones** noted that many of the current items would be on-going. **Commissioner Duffy** requested an update on the biofuel crop issue, noting she had talked to Mr. Brumback about

it based on activity she heard about in Lee Co., including two specific crops that could be grown for this purpose. **Chairman Jones** responded on the subject of the IFAS work with jatropha and gave a brief review of the current issues with it including the fact that it is an exotic species, and the lack of communication on the issues.

**Chairman Jones** noted that, overall, biofuels was a small operation there in Lee County, mostly for fueling county vehicles like buses. **Commissioner Duffy** thought she might be referring to something different than that; **Mr. Dodd** mentioned a cellulose crop and other unusual crops such as camelina. **Chairman Jones** commented on major cellulosic ethanol production being focused on e cane, sorghum and other non-food sugar crops for fermentation; further discussion ensued including impacts on support and corn prices, and the move to heavily cut subsidies, which will affect the smaller players.

**Commissioner Duffy** stated she would like to learn more about the overall subject of material being burned for energy and people looking to lease acreage for growing this crop to be processed elsewhere. **Mr. Brumback** noted that he thinks there is some federal subsidy behind this which he thinks will disappear due to the federal deficit. He feels it will not have a future without the subsidies. **The Chair** also noted the cost of building a plant would be in the hundreds of millions. Further discussion ensued.

**Guest Barbara Carlton** spoke about a Mr. Bill Vaston who is the person promoting this land lease activity.

Finally, **Chairman Jones**, recognizing that Arnie Sarlo's seat needs to be filled, noted that the position can be advertised now; it is a combined commodities position covering timber, sod, hay, wildlife, aqua-culture, honey, etc. **Mr. Sullivan** asked if there wasn't someone who took his place at Babcock who might be a candidate and **the Chair** stated he would look into that but assumes that person will be really busy learning the position, so maybe other names should be included in the assessment.

Upon discussion, it was decided that the group would continue to use B-207 as their regular meeting room.

#### **NEXT MEETING**

❖ *July 14, 2011 at 9:00 a.m. in Room B-207*

#### **ADJOURNMENT**

The meeting was adjourned at 10:14 a.m.

**Approved by the Committee on:  
July 14, 2011**